

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

\* \* \*

RICHARD IDEN,

Petitioner,

v.

GRAVES COUNTY, KENTUCKY  
COMMONWEALTH ATTORNEY, *et al.*,

Respondents.

Case No. 3:14-cv-00105-MMD-VPC

ORDER

This action is a *pro se* petition for a writ of habeas corpus filed pursuant to 28 U.S.C. § 2254, by an inmate. Neither a filing fee nor an application to proceed *in forma pauperis* was submitted with the petition. Petitioner must either submit the \$5.00 filing fee or an application to proceed *in forma pauperis* when filing a federal habeas corpus action. Additionally, the petition was not submitted on the Court's approved form. The Local Rules of Court require petitioners appearing in *pro se* to file their petitions on the Court's approved form. Local Rules of Special Proceedings 3-1 ("a petition for a writ of *habeas corpus*, filed by a person who is not represented by an attorney, shall be on the form provided by this court.").

Due to the defects presented, the pauper application will be denied, and the present action will be dismissed without prejudice to the filing of a new petition in a new action with a pauper application with all required attachments. It does not appear from the papers presented that a dismissal without prejudice would result in a promptly-filed new petition being untimely. In this regard, plaintiff at all times remains responsible for

1 calculating the running of the limitations period as applied to his case and properly  
2 commencing a timely-filed habeas corpus action.

3 It is therefore ordered that this action is dismissed without prejudice to the filing  
4 of a new petition in a new action.


5 It is further ordered that the Clerk of the Court shall send petitioner two (2) copies  
6 of an *in forma pauperis* application form for a prisoner, one (1) copy of the instructions  
7 for the same, two (2) copies of a blank 28 U.S.C. § 2254 habeas petition form, and one  
8 (1) copy of instructions for the same.

9 It is further ordered that petitioner may file a new petition in a new action, but he  
10 may not file further documents in this action.

11 It is further ordered that the Clerk of the Court shall enter judgment accordingly.

12 DATED THIS 25<sup>th</sup> day of February 2014.

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MIRANDA M. DU  
UNITED STATES DISTRICT JUDGE